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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,926	11/17/2000	Robert Beach	A33366-072797.0129	6131
21003	7590	04/22/2004	EXAMINER	
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			GANTT, ALAN T	
			ART UNIT	PAPER NUMBER
			2684	
			DATE MAILED: 04/22/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/715,926

Applicant(s)

BEACH, ROBERT

Examiner

Alan T. Gantt

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,6-8 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 10-18 is/are allowed.
- 6) ☒ Claim(s) 1-3,7,8,19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments filed 2/12/04 have been fully considered. Applicant primarily argues that:

- (a) The Wilson reference has all voice recognition perform in the mobile unit itself and there is no suggestion of a further large vocabulary recognition program in the computer with which the mobile unit communicates.

The examiner has accepted applicant's arguments and has changed the main reference to Hedin. Hedin is aimed at remote terminals communicating with a server; however, there is nothing that confirms that it is done wirelessly. Therefore, a secondary reference is provided that shows aspects of applicant's invention has been down wirelessly. Nilsson is provided as a supporting reference.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-8, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedin et al., in view of Nilsson.

Regarding claim 1, Hedin provides voice control of a user interface for service applications to a terminal from a remote server where the voice control is distributed between the

Art Unit: 2684

terminal and a remote application part. Hedin includes a terminal that has a low power automatic speech recognition system (ASR) for recognizing those portions of a user supplied audio input that relates to terminal function of functions defined by a predefined markup language. Recognized words may be used to control the terminal functions or may alternately be converted to text and forward to the remote server. Unrecognized portions of the audio input may be encoded and forwarded to the remote application part, which includes a more powerful ASR. The remote application part may use its SAR to recognize words define by the application. Recognized words may be converted to text and supplied as input to the remote server. Thus, there are parallels with applicant's claim. Thus, Hedin suggests the following limitations without the radio module and with the terminal serving as the mobile unit:

- receiving first voice commands having a limited vocabulary in said mobile unit, recognizing said first voice commands in said digital signal processor and controlling said mobile unit in response to said first voice commands; (col. 3, lines 35-43 and col. 6, lines 11-24)
- receiving second voice commands in said mobile unit, converting, said second voice commands to digital data signals in said mobile unit and sending said digital data signals to said computer using said radio module; ( col. 3, lines 35-43 and Abstract)
- operating said computer to recognize said second voice commands using a large vocabulary voice; recognition program to derive computer control signals therefrom. (col. 4, lines 35-43)

Art Unit: 2684

As stated above, Hedin does not utilize a radio module nor provide wireless data to the computer.

Nilsson discloses a keyless wireless telephone instrument that prompts the user to speak numerical control words and message words. At a central station certain numerical words are recognized as digits or words. Nilsson is a wireless application and meets the following limitations:

- providing a terminal unit having a microphone, a digital signal processor and a radio module for providing wireless data communications to a computer; (col. 3, lines 4-60)
- receiving first voice commands having a limited vocabulary in said mobile unit, recognizing said first voice commands in said digital signal processor and controlling said mobile unit in response to said first voice commands; (col. 3, lines 12-40)

Hedin and Nilsson are combinable since they share a common endeavor, namely remote terminals that accept limited vocal input for control functions. At the time of the applicant's invention it would have been obvious to modify Hedin to include a radio module as done by Nilsson to permit a wireless application of speech recognition remote control.

Regarding claims 2 and 19, Nilsson meets the limitation: wherein said controlling said mobile unit in response to said first voice commands comprises controlling said mobile unit to communicate with said computer. (col. 3, lines 12-28)

Regarding claim 3, Nilsson meets the following limitation: operating said computer in response to said computer control signals. (col. 3, lines 12-60)

Art Unit: 2684

Claims 7, 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilsson..

Regarding claims 7 and 20, Nilsson discloses a keyless wireless telephone instrument that prompts the user to speak numerical control words and message words. At a central station certain numerical words are recognized as digits or words. Nilsson is a wireless application and meets the following limitations: a mobile device comprising:

- a microphone for receiving sound signals; (col. 3, lines 4-11)
- an interface, connected to said microphone for converting received sound signals from said microphone to data signals; (col. 3, lines 4-18)
- a radio module for sending wireless data communication signals; (col. 3, lines 4-18)
- a digital signal processor, said processor including a program for recognizing a limited number of digital data signals from said interface and operating in response thereto to control said radio, (2) operating said radio module to send digital data signals, and (3) providing; digital data signals corresponding to sounds from said microphone as to said radio module. (col. 3, lines 4-60 [obviously used by Nilsson])

Nilsson does not discuss the use of data packets.

The Examiner takes Official notice that it is well known to utilize data packets to pass voice signals between a microphone and radio module and that it would have been obvious to Nilsson to utilize packets as packets permit more options in working with the signal.

Art Unit: 2684

Regarding claim 8, the examiner takes Official Notice that it is well known to compress digital audio data and it would have been obvious to modify Nilsson to include a provision to compress the digital audio data to allow for more room to store a larger vocabulary.

***Allowable Subject Matter***

Claims 6, 16, 17, 18, and 10-15 are allowed.

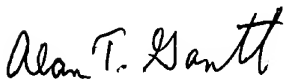
The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 16, 17, and 18. the examiner agrees with applicant's reasoning for allowable subject matter .

***Conclusion***

Any inquiry concerning this communication from the examiner should be addressed to Alan Gantt at telephone number (703) 305-0077. The examiner can normally be reached between 9:30 AM and 6 PM within the Eastern Time Zone. The group FAX number is (703) 872-9306.

Any inquiry of a general nature or relating to this application should be directed to the group receptionist at telephone number (703) 305-4700.



Alan T. Gantt

April 19, 2004

**PABLO N. TRAN  
PRIMARY EXAMINER**



